

REMARKS

Applicants have carefully reviewed the Office Action dated October 21, 2003. Claims 1-15 are pending in this application. Applicants have amended Claims 1 and 10 to more clearly point out the present inventive concept. Claims 8 and 15 have been canceled. Reconsideration and favorable action is respectfully requested.

Applicants note that the Examiner has found that the preceding filed amendment has overcome the *Palmer, Aijala, and Tsai*.

Claims 1, 5, 7-11, 13 and 15 stand rejected under 35 U.S.C. 102(b) as being unpatentable over *Tognazzini*, U.S. Patent No. 5,708,478. This rejection is respectfully traversed.

Applicants' present inventive concept, as defined by the amended claims, is directed toward a system that is operable to couple an audio input of a computer to a receiver of a broadcast source wherein the audio input interface will provide an audio signal to the computer which has advertisement information encoded therein. This advertisement information is then utilized by a computer program that, in response to receiving the audio signal output, is controlled by the advertiser information, which program is then operable to decode the advertisement information from the message and display this information.

The *Tognazzini* reference is a reference that provides a system that allows for capture of advertisement information which is transmitted in a broadcast program. This advertisement information is contained in an AM signal, an FM signal or a television signal. In the AM signal, the tones are embedded in a low frequency range; in the FM signal, the information is encoded in the supra or super audible data carriers on the FM subcarrier channel. In the television signal, the information is disposed in the vertical blanking interval (Column 5, lines 56-65.) However, there is no "acoustical" coupling, since the only signal that might be in the audio range would be that in

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the AM signal. However, it is not clear what portion of the audible range these signals would be in. In any event, they are not "acoustically" coupled via a microphone or the such to the computer. Further, the advertisement information that is contained within the broadcast is extracted and stored and *then* the user selects the operation of activating a current advertiser button. If the user has activated the button, then information could be displayed regarding the captured information. However, there is no "control" of the program *per se* without the user pressing the button. Therefore, Applicants believe that *Tognazzini* does not anticipate the claims as amended and, therefore, Applicants respectfully request the withdrawal of the 35 U.S.C. 102(a) rejection with respect to Claims 1 and 10.

The dependent Claims 5, 7-9, 11, 13 and 15 are also believed to be allowable since they depend from Claims 1 and 10 respectively.

Claims 2, 3, 4, 6, 12 and 14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Tognazzini* in view of *McKiel*, U. S. Patent No. 5,133,011. This rejection is respectfully traversed.

Claims 2, 3, 4, 6, 12 and 14 are dependent claims, dependent upon Claims 1 and 10. The addition of the *McKiel* reference does not cure the deficiencies noted hereinabove with respect to *Tognazzini* and, therefore, Applicants believe that these claims are not obviated in view of the combination of *Tognazzini* and *McKiel* references. Therefore, Applicants respectfully request the withdrawal of the 35 U.S.C. 103(a) rejection with respect to Claims 2, 3, 4, 6, 12 and 14.

The Examiner has noted that the *McKiel* discloses an audible signal for initiating execution of a program in a computer. However, Applicants believe there is no motivation to combine these two references, as the acoustical coupling of a computer to a television broadcast is not disclosed or suggested anywhere in the *McKiel* reference. Therefore, Applicants believe that one skilled in the art would not combine these two references to cure this deficiency in *Tognazzini*.

Applicants bring to the Examiner's attention another reference that was provided by

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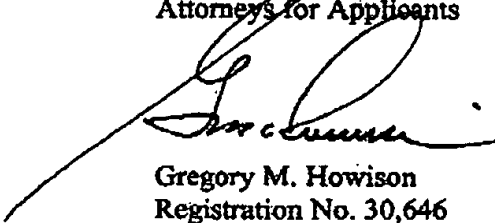
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Applicants, that being U. S. Patent No. 6,003,073, issued on December 14, 1999, to *Solvason*. This reference is related to broadcasting an acoustical tone, which sends control signals to another location.

Applicants have now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicants respectfully request full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-24,736 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
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